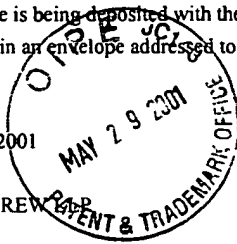


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231, on May 23, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Kimberly Badiei
Kimberly Badiei



PATENT
RECEIVED
Attorney Docket No.: 17067-002040
Client Reference No.: 10796.40
JUN 01 2001

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DONALD G. WALLACE et al.

Application No.: 09/553,969

Filed: April 21, 2000

For: FRAGMENTED POLYMERIC
COMPOSITIONS AND METHODS
FOR THEIR USE

Examiner: WARE, T.

Art Unit: 1615

**TERMINAL DISCLAIMER BY
ATTORNEY OF RECORD
PURSUANT TO §1.321(b)**

10

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, FUSION MEDICAL, INC., is the owner of 100% percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of Patent No. 6,066,325. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

06/07/2001 HDENDY

01 FC:248

00000001 201430 09553969

\$5.00 CH

maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record in this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
650/326-2400
650/326-2422

JMH/jke